

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GREGORY LINSTON GILLILAN,

Plaintiff,

VS.

SHENECA KING, *et al.*,

Defendants.

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NO. 5:11-CV-96 (MTT)

**Proceedings Under 42 U.S.C. §1983
Before the U.S. Magistrate Judge**

RECOMMENDATION

Before the Court is a Motion to Dismiss filed by Defendant Sheneca King. Doc. 12. Because the undisputed record shows that Plaintiff has failed to exhaust his administrative remedies, and because Plaintiff has failed to prosecute his claims in this case, it is **RECOMMENDED** that the Motion to Dismiss be **GRANTED** and that this action be **DISMISSED** with prejudice.

On May 20, 2011, Defendant King filed a Motion to Dismiss. In her Motion, King showed that Plaintiff had failed to exhaust his administrative remedies prior to filing suit, as required under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). The evidence submitted by Defendant shows that Plaintiff was an experienced and frequent user of the grievance process, but that he did not file any grievance related to the events alleged in this action. Because Plaintiff has not responded to King's Motion, and because Plaintiff's Complaint failed to include any allegations related to exhaustion of remedies, this evidence is uncontested.

Plaintiff has had ample opportunity to respond to King's Motion. At the outset of this litigation, when the Court entered an order and recommendation allowing Plaintiff to proceed in forma pauperis, Plaintiff was advised that he must diligently prosecute his action or face the possibility that it would be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Doc. 7. Soon after King's Motion to Dismiss was filed, the Court entered an order directing Plaintiff to file a response to the Motion on or before June 13, 2011. Doc. 13. In this order, Plaintiff was

notified that failing to file a response would cause the Court to consider Defendant King's motion as uncontested. Id. Despite this warning, Plaintiff failed to respond.

In an effort to give Plaintiff every opportunity to pursue his claims, the Court entered an order directing him to show cause for his failure to respond on or before August 15, 2011. Doc. 14. Plaintiff was warned that any further failure to comply with the Court's orders could lead to the dismissal of his action. Id. To date, no response or other pleading has been filed by Plaintiff.

In view of the above, **IT IS RECOMMENDED** that Defendant King's Motion to Dismiss be **GRANTED**. Moreover, because it appears that Plaintiff has abandoned his claims, **IT IS FURTHER RECOMMENDED** that this action, in its entirety, be **DISMISSED** with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this recommendation with the district judge to whom this case is assigned, **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 8th day of September, 2011.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge